

1
2
3
4
5
6
7
8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,
11
12 Plaintiff,
13 v.
14 SALVADOR MARTINEZ-PULIDO,
15 Defendant.

Criminal Case No. 08MJ2392
DETENTION ORDER

16
17 In accordance with § 3142(f) of the Bail Reform Act of 1984 (18 U.S.C. § 3141 et seq.),
18 a detention hearing was held on August 7, 2008, to determine whether defendant Salvador
19 Martinez-Pulido ("Defendant"), should be held in custody pending trial, on the grounds that
20 Defendant is a flight risk. At the detention hearing, Assistant United States Attorney Gregory F.
21 Noonan appeared on behalf of the United States and Federal Defender Elizabeth Barros appeared
22 on behalf of the Defendant.

23 Based on the evidence proffered by the United States, the evidence proffered by the
24 Defendant, the Pretrial Services Report, and the Complaint, the Court concludes that the
25 Government met its burden to demonstrate by a preponderance of the evidence that Defendant is
26 a flight risk and that there is no condition or combination of conditions that will reasonably assure
27 Defendant's appearance.

28 ///

I.

FINDINGS OF FACT**A. Nature and Circumstances of the Offense Charged [18 U.S.C. § 3142(g)(1)]**

1. Defendant is charged in Criminal Complaint No. 08MJ2392 with one count of importation of a controlled substance in violation of 21 U.S.C. § 952 and 960.

2. Based on the fact the Defendant is charged with importing 282.14 kilograms of marijuana, there is a presumption for detention in accordance with 18 U.S.C. § 3142(e).

3. Given the quantity of the controlled substance in this case, the nature and severity of this offense favors detention.

B. Weight of the Evidence Against the Defendant [18 U.S.C. § 3142(g)(2)]

1. Although this factor is to be given the least weight, there is probable cause to believe the Defendant committed the charged offense, which favors detention.

C. History and Characteristics of the Defendant [18 U.S.C. § 3142(g)(3)]

1. **Character:** No evidence has been proffered regarding the Defendant's character. As a result, this factor is treated as neutral.

2. **Physical and Mental Condition:** No evidence has been proffered regarding the Defendant's physical and mental condition. As a result, this factor is treated as neutral.

3. **Family Ties:** The Defendant has immediate and strong family ties to Mexico and limited and more attenuated family ties to the United States. Accordingly, this factor favors detention.

4. **Length of Residence in the Community:** The Defendant is a Mexican citizen who lives in Mexico and has done so for years. As such, this factor weighs in favor of detention.

5. **Community Ties and Past Conduct:** No evidence has been proffered regarding the Defendant's community ties and past conduct. As a result, this factor is treated as neutral.


6. **History Relating to Drug or Alcohol Abuse:** There is no evidence that the Defendant has a history of drug and alcohol abuse. Accordingly, this factor weighs against detention.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

THIS ORDER IS ENTERED WITHOUT PREJUDICE.

IT IS SO ORDERED.

DATED: August 11, 2008


The Honorable Ruben B. Brooks
United States Magistrate Judge